

March 6, 2013

Judith A. Enck
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, NY 10007-1866

Dear Regional Administrator Enck:

By way of background, the New Jersey State Chamber of Commerce ("State Chamber") is recognized as the independent voice of business in New Jersey. With a broad based membership ranging from the Fortune 500 companies to small proprietorships, representing every corner of the state and every industry, our members provide jobs for over a million people in New Jersey. We continue to work towards promoting a vibrant business environment and economic prosperity through vision, expertise and innovative solutions.

With that in mind, we want to take the opportunity to express our strong opposition to the Focused Feasibility Study (FFS) that the United States Environmental Protection Agency (EPA) Region 2 is planning to release later this year. While the final FFS has not been released yet, we understand that the EPA would prefer a plan that involves the complete dredging of the lower eight miles of the Lower Passaic River.

The State Chamber ultimately believes that a complete dredge of the lower eight miles of the River would take decades to complete and would be costly and burdensome to the public and business community in Essex, Hudson, Passaic and Bergen counties.

There are a number of reasons that we are concerned about the release of an FFS at this time:

1. Data for the Remedial Investigation/Feasibility Study (RI/FS) that the EPA asked the Lower Passaic Study Area Cooperating Parties Group (CPG) to implement in 2007, would be rendered useless and hundreds of millions of dollars will have been wasted by the CPG if a final remedy is selected prior to the completion of the RI/FS.
2. Dredging of the lower eight miles will likely mean 20-30 years of disruption for the business community and residents who live in municipalities along the River.
3. Removal of between 4 and 11 million cubic yards of sediment from the River will increase traffic congestion in an already highly travelled area, as 17 bridges crossing the River will need to be opened and closed on a daily basis to allow barges to transport material down the River.

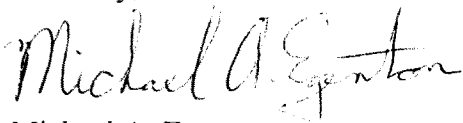
4. There is the risk of recontamination, as is the case with any large scale dredging operation, in the lower 8 miles of the River and upstream due to the tidal nature of the River. This fact will burden communities throughout the full 17 miles of the Lower Passaic River if a comprehensive solution to address all of the contamination is not found.
5. Stormwater runoff, discharges from combined sewer outflows and other sources continue to contribute to pollution in the Lower Passaic River. In January, the State Chamber expressed our opposition to S-2094 and A-3128 in the New Jersey State Legislature, which would remove public sewage and wastewater entities from liability issues pertaining to hazardous discharges into the Passaic River. We believe this legislation unfairly removes public sector liability and mounts full responsibility on private industry. Ultimately, this bill would set in motion a bad public policy precedent for environmental cleanups throughout the state.
6. We believe that the EPA has not explored all possible remedial alternatives and should work with all stakeholders on the development of a comprehensive solution to clean up the lower 17 miles of the Lower Passaic River.

We understand that the CPG has proposed an alternative remedy to EPA called the Sustainable Remedy. The State Chamber believes that this comprehensive solution can help to quickly and effectively clean up contaminated sediment in the Lower Passaic River in a time period and economic scale that benefits all parties and communities along the River.

There are a number of positives to the Sustainable Remedy including the fact that it: will target the areas of highest surface sediment concentration and reduce risk to the public and River ecology in a quicker amount of time; address contaminated sediment in the full 17 miles of the Lower Passaic River, instead of just the lower eight miles; and include community projects that can help to reduce the large amount of pollution that continues to enter in the River every day.

We appreciate the opportunity to express our views and respectfully urge the EPA Region 2 to consider the Sustainable Remedy as an alternative remedy prior to the release of its FFS later this year.

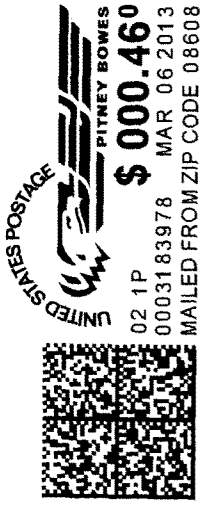
Sincerely,



Michael A. Egerton
Senior Vice President
Government Relations

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NCC
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